

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARK C. DOWNEY,

Plaintiff,

v.

SERGEANT JENNINGS,

Defendant.

Case No. C23-5100-JCC

ORDER DISMISSING CIVIL RIGHTS  
ACTION

The Court, having reviewed Plaintiff's complaint, Plaintiff's petition for writ of habeas corpus, the Report and Recommendation of the Honorable S. Kate Vaughan, United States Magistrate Judge, any objections thereto, and the remaining record, hereby finds and ORDERS as follows:

(1) The Report and Recommendation is approved and adopted.

(2) This action is DISMISSED without prejudice, pursuant to 28 U.S.C.

§ 1915A(b)(1) and 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a viable claim for relief.

This dismissal shall count as a STRIKE under 28 U.S.C. § 1915(g).

//

//

ORDER DISMISSING CIVIL  
RIGHTS ACTION - 1

1 (3) The Clerk is directed to send copies of this Order to Plaintiff and to the Honorable  
2 S. Kate Vaughan.

3 DATED this 2nd day of June 2023.

4  
5  
6 

7 John C. Coughenour  
8 UNITED STATES DISTRICT JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23